

AMENDMENTS

In the Claims:

1. A method for analyzing a sample comprising:
- a) providing a sample containing at least two molecular species, wherein at least one of the molecular species is capable of stimulating scintillation;
 - b) providing a scintillating material, wherein the surface of the scintillating material adsorbs at least one of the molecular species via a general molecular property-based binding interaction between the molecular species and the scintillating material, and where the scintillating material can be stimulated to scintillate above background by at least one of the adsorbed molecular species, but is not stimulated to scintillate above background by any molecular species which is not adsorbed, where at least one of said molecular species has a presence of, an absence of, or a degree of general molecular property-based binding interaction with the scintillating material distinct from the remainder of the molecular species;
 - c) measuring the scintillation emitted by the scintillating material; wherein the presence of, the absence of, or the degree of general molecular property-based binding interaction with the scintillating material is due to a chemical or biochemical transformation of one of said molecular species into another of said molecular species; and
 - d) determining the progress of or degree of completion of the molecular transformation; wherein the reaction product of the chemical or biochemical transformation binds to the scintillating material.

19. The method of claim 1, further comprising performing the method on a plurality of samples to effect a high throughput screen.

COMMENTS

Claims 1, 3, 5-10, and 19 are pending and under examination upon entry of this amendment. Claim 4 is cancelled in this amendment; claims 2 and 29-46 have been cancelled previously. Claims 11-18 and 20-28 have been withdrawn from consideration.

The amendments to claim 1 are supported throughout the specification. The amendment to indicate scintillation above background is supported at, *inter alia*, page 20, lines 12 to 20. The amendment to part c and the first clause of part d of claim 1 is supported, *inter alia*, in originally filed claim 4, now cancelled. The amendment to the second clause of claim 1 is supported, *inter alia*, at page 15, lines 13-16.

Claim 19 is amended to depend from claim 1 instead of from claim 4.

Applicants have not added new matter by these amendments.

Applicants and the undersigned agent thank Examiner Garcia for the telephone interview of October 9, 2001. The Examiner's time and consideration of the case is appreciated. A separate paper summarizing the interview is included herewith.

A Continued Prosecution Application was filed in this case on October 9, 2001. The amendments and comments in this paper address the issues outstanding in the case as of the last Office Action prior to the filing of the CPA.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1 and 2 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, the use of the word "generally" in claim 1, and the use of the terminology "distinct from" in claim 1, was objected to.

The word "generally" has been deleted from the claims. Instead, the phrase "above background" is used to indicate the presence of a detectable signal from the scintillating species adsorbed to the scintillating material. "Background" is a well-known term of art designating the signal that is present in the absence of a desired event; that is, background is a level of noise, above which a particular effect is detected.

This amendment also clarifies the meaning of the terminology "distinct from" in claim 1. A general molecular property-based binding interaction of a certain molecular species which is "distinct from" that of another is an interaction which serves to provide a signal above background. Thus, once a background level has been determined for a particular experimental configuration, presence of a signal above background indicates the presence of an interaction distinct from that of the species giving rise to the background signal.

Accordingly, Applicants believe that the terminology in the claims meets the requirements of 35 U.S.C. §112, second paragraph, and withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. § 102

Applicants thank the Examiner for the withdrawal of the rejection under 35 U.S.C. § 102(b) over Schlenoff (U.S. Patent No. 5,466,930).

Claims 1, 3-10 and 19 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kasila et al (U.S. Patent No. 5,972,575). (Note that claim 4 is now cancelled.) The Declaration by Dr. Zhengyu Yuan and Ms. Zhong-Xiao Chen Pursuant to 37 C.F.R. § 1.131 filed with the response of November 21, 2000, was indicated as insufficient to overcome the rejection under 35 U.S.C. § 102(e).

Claim 1 is amended to indicate that the reaction product of the chemical or biochemical transformation binds to the scintillating material. This is in contrast to the Kasila et al. method; Kasila's starting material is bound to the scintillating material (see, e.g., the Kasila claim 1 limitation of "disposing said substrate in said hydrophobic material") and the reaction product in their method is solubilized (as recognized by the Examiner on page 5, paragraph 12 of the Office Action mailed May 9, 2001, Paper No. 19). Therefore the rejection no longer applies to the claims as amended, and withdrawal of the rejection is respectfully requested.